IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 179 OF 2005
IN
FAMILY COURT APPEAL (ST) NO. 13212 OF 2005

Mr. David alias A.E. Chinnayya.] .. Applicant (Ori.Appellant)

Versus

Mrs. Kathleen David Chinnayya.] .. Respondent (Ori.Respondent)

Mr. V.G. Mujumdar for the applicant.

Mrs. B.P. Jakhade for respondent.

CORAM: R.M. LODHA &
S.J. VAZIFDAR, JJ.

DATED: 03RD JULY, 2006

P.C. :

. At the outset Mrs. B.P. Jakhade, Advocate for the respondent informed us that the appellant has not been paying the amount of maintenance as per the judgment and decree dated 28th March, 2005.

2. Mr. V.G. Mujumdar, the Advocate for the appellant-applicant submits that as stated in paragraph 4 of the Civil Application, the amount of Rs.91,736/- has been deposited by the appellant towards maintenance of the respondent upto 30th August, 2005. He submits

that a further amount of Rs.16,000/- has also been deposited by the appellant. Even if we accept the statement of Mr. V.G. Mujumdar, we find that the appellant is in arrears of maintenance for more than Rs.35,000/- as on 1st July, 2006.

3. Mr. V.G. Mujumdar, the Advocate for the appellant submits that some reasonable time may be given to the appellant to deposit the arrears.

4. Hence the order:

(1) The appellant shall deposit the arrears of maintenance with the Family Court No.3, Pune within 2 weeks from today.

(2) The appellant shall deposit the maintenance at the rate of Rs.4,000/- per month from the month of July, 2006 and the subsequent months on or before 7th of each succeeding month.

(3) The respondent shall be entitled to withdraw the amount of maintenance so deposited by the appellant.

(4) It is clarified that the amount of maintenance so deposited by the appellant shall be subject to the final decision in the Appeal.

(5) If the appellant fails to deposit the arrears as aforedirected or monthly maintenance for two consecutive months, the Court may infer that the appellant has deliberately defaulted in compliance of the order of this Court.

5. Civil Application stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.J. VAZIFDAR, J.]